

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 20762 of 2005(V)

PETITIONERS:

1. VARGHESE ANTONY, S/O.SRI.T.K.ANTONY,
AGED 29 YEARS, RESIDING AT THALIATH HOUSE,
KORATTY P.O., THRISSUR DISTRICT-680 308.
2. SHAJI.K.P., S/O.SRI.K.P.VELAYUDHAN,
AGED 33 YEARS, RESIDING AT 'SHAJI' HOUSE,
NADAKKAV, THANUR P.O., MALAPPURAM DISTRICT,
PIN 676 302.
3. SASI.P., S/O.SRI.AYYAPPAN.P.,
AGED 37 YEARS, RESIDING AT PULPARAMBIL HOUSE,
PALATTUPARAMBA, PO ARAKKINAR,
KOZHIKODE, PIN-673 028.
4. ARUN.B., S/O.SRI.I.BAHULEYAN,
AGED 27 YEARS, RESIDING AT 'THUSHARA',
VPI/93-A, GAZETTED OFFICERS NAGAR,
PEROORKADA P.O., THIRUVANANTHAPURAM,
PIN-695 005.
5. SEBASTIAN PRINCE P.G.,
S/O. THE LATE P.F.GEROGE, AGED 35 YEARS,
RESIDING AT PULIYEZHATH HOUSE,
OCHANATHURUTH P.O., KOCHI-682 508.
6. LISSA.J.MANGATTU,
D/O.SRI.M.C.THAMPI, AGED 29 YEARS,
RESIDING AT MANGATTU HOUSE, POONJAR SOUTH PO.
7. MANIKANDAN.K., S/O.SRI.V.P.UNNIKRISHNAN,
AGED 26 YEARS, RESIDING AT KANNANKUMARATH,
PUTHUSSEERRY P.O., CHERUTHURUTHY,
THRISSUR DISTRICT.
8. JOSEPH GEORGE KANNANAYAKAL,
S/O.SRI.GEORGE JACOB, AGED 37 YEARS,
RESIDING AT KANNANAYAKAL HOUSE,
THIROOR P.O., MULANGUNATHU KAVU,
THRISSUR, PIN-680 581.

**9. AJIMON.T.S., S/O.THE LATE SANKARAN,
AGED 30 YEARS, RESIDING AT THOTTUPURATH HOUSE,
ELAMPALLY P.O., ANICKAD (VIA),
KOTTAYAM, PIN-686 503.**

**10. RENJITH KUMAR.J.R.,
S/O.SRI.K.RAVEENDRAN, AGED 28 YEARS,
RESIDING AT DEVI VIHAR, NEMONI P.O.,
THIRUVANANTHAPURAM.**

**11. BINOD.P., S/O.SRI.M.GOPALAKRISHNAN,
AGED 30 YEARS, RESIDING AT 'KRISHNAGIRI'
KUNDUVARA, CHEMBUKKAV, THRISSUR, PIN-680 020.**

BY ADV. SRI.ANTONY MUKKATH

RESPONDENTS:

**1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, SCHEDULED CASTES
DEVELOPMENT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

**2. DIRECTOR OF SCHEDULED CASTE DEVELOPMENT
DEPARTMENT, THIRUVANANTHAPURAM.**

**3. PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY, OFFICE OF THE
PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM.**

***4. R.REGHU, AGED 38,
S/O. K.N. RAMAKRISHNA PILLAI,
TC 8/783(5), TV NAGAR, THIRUMALA, TRIVANDRUM-6.
(UD CLERK, SCHEDULED CASTE DEVELOPMENT
DEPT, TRIVANDRUM)**

**5. S.N. NADAKUMAR, PRADEEP BHAVAN,
THUMPODE, KALLARA P.O., TRIVANDRUM- 695 608,
(UD CLERK, SCHEDULED CASTE DEVELOPMENT
DEPARTMENT, TRIVANDRUM)**

6. K. RAVEENDRAN NAIR, TC 29/463, CHANDRA BAHVAN,
NEDUMANGAD, KARAMANA, TRIVANDRUM.
(UD CLERK, SCHEDULED CASTE DEVELOPMENT
DEPARTMENT, TRIVANDRUM)

*ADDL. R4 AND R6 ARE IMPEADED AS PER ORDER DATED
16/11/2005 IN IA NO. 12403/2005.

- **7. M.S. KHADEEJA BEEVI M.S.,
SCHEDULED CASTE DEVELOPMENT OFFICER GRADE II,
MULANTHURUTHY BLOCK ERNAKULAM.

**ADDL. R7 IS IMPEADED AS PER ORDER DATED 14/06/2007 IN
IA NO. 7229/2007.

- #8. P.S. SARATHCHANDRIKA DEVI,
JUNIOR SUPERINTENDENT,
DIRECTORATE OF SCHEDULED CASTE DEVELOPMENT
DEPARTMENT, PTP NAGAR, THIRUVANANTHAPURAM-
695 038.

#ADDL. R8 IS IMPEADED AS PER ORDER DATED 14/06/2007
IN IA NO. 7952/2007.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
SRI.K.N.CHATHUKUTTY --- R4
GOVERNMENT PLEADER SRI. SANTHOSH KUMAR (TR)
SRI.P.V.MOHANAN --- R4
SRI.K.B.GANGESH -- R7
SRI.ANIL GEORGE
SRI.B.RAGUNATHAN --- R8
SRI.V.V.MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24/07/2007 ALONG WITH WPC NO. 13200/2007 THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 20762/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RANKED LIST PUBLISHED IN PSC BULLETIN DT. 15TH SEPT, 2004.

EXT.P2. COPY OF THE PROCEEDINGS NO. A1. 22662/04 DT. 15/2/2005 OF THE R2.

EXT.P3. COPY OF THE NOTIFICATION R. & A1/(3)/18538/2001/G.V. RELATING TO CATEGORY NO.4 6/2001 IN KERALA GAZETTE DT. 24/7/01.

EXT.P4. COPY OF THE GO P NO. 19/83/HWD DT. 28/6/83 ALONG WITH APPENDIX -I OF THE R1.

EXT.P5. COPY OF THE GO P NO. 73/97/SCSTDD DT. 5/08/97 IN THE KERALA GAZETTE DT. 28/8/97 OF THE R1.

EXT.P6. COPY OF THE GO P NO. 32/2000/SC/ST/DD ALONG WITH APPENDIX III DT. 9/5/00 OF THE R1.

EXT.P7. COPY OF THE GO P NO. 35/00/SCSTDD DT. 24/5/00 OF THE R1.

EXT.P8. COPY OF THE LIST OF SC DEVELOPMENT OFFICER GRADE II/HR. SUPERINTENDENTS PROMOTED TO THE CATEGORY OF SC DEVELOPMENT OFFICER GRADE -I FROM 15/1/96 TO 16/11/04.

EXT.P9. COPY OF THE REPRESENTATION DT. 22/1/2005 OF THE SECRETARY, RANK HOLDERS ASSOCIATION SC DEVELOPMENT OFFICER GRADE II TO THE R2.

EXT.P10. COPY OF THE REPRESENTATION DT. 26/2/05 OF THE SECRETARY, RANK HOLDERS ASSOCIATION SC DEVELOPMENT OFFICER GRADE II TO THE R2.

True copy

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K. BALAKRISHNAN NAIR, J.

W.P.(C) Nos.20762/2005 &
13200/2007

JUDGMENT

The petitioners in these writ petitions are persons included in the rank-list published by the P.S.C for appointment to the post of Scheduled Caste Development Officer Grade II. Ext.P1 dated 20.8.2004 is the said rank-list, produced in W.P.(C) No.20762/2005. The list is going to expire on 19.8.2007. The grievance of the petitioners raised in these writ petitions was that the ratio prescribed between direct recruitment and appointment by transfer is not maintained with reference to the cadre strength. When steps were taken to revert the transferees, who were in position in excess of the quota, a batch of writ petitions was filed before this Court. Those writ petitions were disposed of by common judgment dated 14.6.2007. In the said judgment this Court found that the cadre strength of Scheduled Caste Development Officer Grade II is 93 and the same has to be apportioned between the two groups. This Court declined to interfere with the reversion of the excess transferees. The Writ Appeal filed against the said judgment was disposed of by the Division Bench on

4.7.2007, directing the Department to ensure application of the ratio correctly, between direct recruitment and appointment by transfer. In view of the above position, these writ petitions can be disposed of, by directing the appointing authority to report the vacancies to be filled up by P.S.C hands, in the light of the aforementioned ratio.

2. The learned Government Pleader admitted that there is a dearth of 35 P.S.C hands. The learned counsel appearing for the party respondents disputes the said submission. But, the said submission of the party respondents cannot be accepted, in view of the judgment of this Court in W.P.(C) No.17042/2007 and connected cases. So, the 2nd respondent is directed to report 35 vacancies of Scheduled Caste Development Officer Grade II to the 3rd respondent, so that it reaches the P.S.C on or before 14.8.2007. The learned Government Pleader also pointed out that steps have already been taken to report three vacancies.

So, the 35 vacancies mentioned above will take in the said three vacancies also.

The Writ Petitions are disposed of as above.

24th July, 2007.

K. BALAKRISHNAN NAIR,
JUDGE.

nm.